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FEDERAL COMMUNICATIONS COMMISSION
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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

)
Texas Public Utility Commission)
Petition for Delegation of Additional)
Authority to Implement Number)
Conservation Measures)

NSD File No. L-99-55

)
Implementation of the Local)
Competition Provisions of the)
Telecommunications Act of 1996)

CC Docket No. 96-98

**COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION**

The United States Telephone Association (USTA) hereby files its comments on the petition filed by the Texas Public Utility Commission (Texas) for additional authority pertaining to area code relief planning and implementation and to NSS code conservation measures in the above-captioned proceeding.¹ USTA is the principal trade association of the local exchange carrier (LEC) industry. Its members provide over 95 percent of the exchange carrier-provided access lines in the United States.

In its petition, Texas seeks delegated authority to implement mandatory thousand block number pooling, to order unassigned number porting (UNP), to order reclamation of unused NXX codes and thousand number blocks, to require carriers to provide utilization and forecast information, and to implement sequential numbering enforcement authority.

¹ Public Notice, DA 99-1380, released July 14, 1999 (Public Notice).

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The Texas petition is the sixth request of a state filed with the Commission since February seeking similar individual state relief to deal with number shortages.² These petitions generally seek similar relief—that the needs of their state are so severe that they need to fashion a state-specific plan to address their numbering problems. The arguments against granting such relief are also similar. USTA has filed comments on each of the petitions, opposing the states’ requests for additional authority that would jeopardize the industry processes underway for comprehensive nationwide number conservation. USTA opposes the Texas petition for the same reasons. It becomes a superfluous exercise to repeat the same arguments against each state request, but those arguments are likewise applicable to the relief requested in the Texas petition. Rather than repeat the reasons, USTA hereby incorporates by reference all its pleadings filed in the proceedings listed in footnote 2, *supra*.

A number of additional points are appropriate here. First, states already have the option to effectuate number conservation in two of the areas that Texas requests in its petition. Additional Commission action on those specific requests would be unnecessary. One area is the authority to request utilization studies from carriers. A number of states have done this and reports are that it has yielded beneficial results. Also, states can work with the North American Number Plan Administrator (NANPA) to reclaim unused codes, so long as it is clear that any reclamation is done pursuant to NANPA authority.

Second, the Commission has steadfastly held to its stated intent to develop a nationwide, uniform system of numbering and that such a system is “essential to the efficient delivery of

² See New York Department of Public Service Petition, NSD File No. L-99-21 (New York Petition); Massachusetts Department of Telecommunications and Energy Petition, NSD File No. L-99-19 (Massachusetts Petition); Maine Public Utilities Commission Petition, NSD File No. L-99-27 (Maine Petition); Florida Public Service Commission Petition, NSD File No. 99-33 (Florida Petition); and Californian Public Utilities Commission and People of the State of California Petition, NSD File No. 98-136 (California Petition).

telecommunications services in the United States.”³ The Commission has further recognized that the industry, the Commission, and the states should work together to develop national methods to conserve and promote efficient use of numbers, but that those attempts “cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country.”⁴ The Commission must adhere to this policy that orderly national numbering conservation and administration measures are essential to the optimization of the North American Numbering Plan (NANP). The Commission cannot give in to the requests by Texas and other states to decentralize number administration. The effects would be disastrous to number planning and conservation in this country. They would not, as Texas maintains, yield any greater relief to Texas than adherence to the nationwide number administration program currently in place. To the contrary, the national programs and development of orderly national measures provide the real solutions to Texas’ problems. It is true that the necessary measures do take time to develop and implement, but the relief Texas requests will not yield benefits any quicker. All participants must recognize that effective conservation measures are complex and take time to develop; we cannot permit panic to drive regulators into taking action that will ultimately jeopardize the national planning process and will lead to premature exhaust of the NANP.

In addition, the measures requested by Texas raise technical difficulties and cost implications that will necessarily be borne by the public in one form or another. For example, if Texas were to implement mandatory thousand block pooling, we believe that the Number Portability Administration Center (NPAC) serving Texas would have to implement new technical capabilities. The details of the requirements to enable these capabilities are being

³ Memorandum Opinion and Order and Order on Reconsideration, *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, NSD File No. L-97-42, 13 FCC Rcd 19009 at ¶ 21 (1998).

⁴ *Id.*

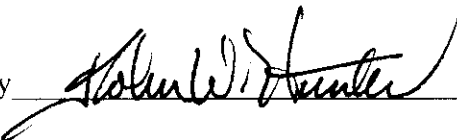
developed in the national process and, when implemented, will be available in all areas served by that NPAC. USTA believes that no state-specific capabilities should be enabled in an NPAC that serves multiple states. We also have serious reservations about how any such development and implementation would be funded.

Finally, in its petition, Texas describes the jeopardy situation in the 817 NPA and states that the cause of jeopardy was a request for 54 NXX codes by 11 carriers within a period of less than one month. Texas then opines that this "unprecedented" request may be an attempt by the industry to discourage Texas from implementing a number pooling trial in that NPA. USTA is concerned about such an unsubstantiated allegation. If Texas has any evidence to prove its claim, it should provide it on the record. Otherwise, an allegation that cannot be adequately addressed by the industry should not be made.

In conclusion, USTA urges the Commission to deny the Texas petition for the reasons stated above and in its previous comments that address similar requests by other states.

Respectfully submitted,

UNITED STATES TELEPHONE ASSOCIATION

By 

Its Attorneys:

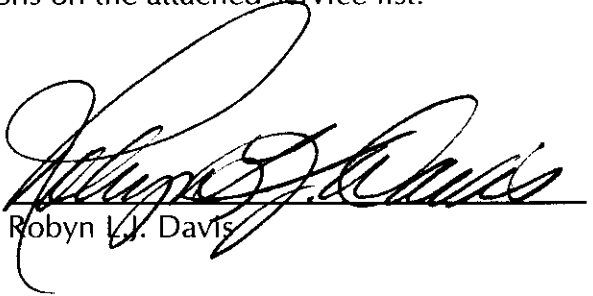
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August 16, 1999

CERTIFICATE OF SERVICE

I, Robyn L.J. Davis, do certify that on August 16, 1999 copies of the Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.



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